



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,050	09/27/2002	Stuart Licht	LICHT=5	9696

1444 7590 06/21/2006

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

PHASGE, ARUN S

ART UNIT PAPER NUMBER

1753

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,050

Applicant(s)

LICHT, STUART

Examiner

Arun S. Phasge

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 29-33, 41, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 7-13, 15-28, 34-40 and 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 7-13, 15-28, 34-40, 42 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to a prior claim in the alternative. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

Claims 29 and 41 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) must be in one sentence form only.

Claims 31-32 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how a compound can be the cathode, it appears that it should be the catholyte. In making the rejection the examiner has taken the position that the compounds are the catholyte, since they are in solution.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 14, 29-33, 41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Deininger et al. (Deininger), U.S. Patent 4,435,257.

Deininger discloses the claimed method for the preparation of solid Fe(VI) in two half-cells which are in electrochemical contact with one another through an electrically neutral ionic conductor, wherein one of the half-cells comprises a cathode, while the other half-cell comprises at least 1% of iron containing material, such as the claimed Fe (III) salt and wherein a power supply is used to oxidize the iron containing material to a solid Fe(VI) salt (see examples 1-3 in columns 19-21). The reference further discloses the same types of electrolytes as claimed (see examples 1-3 in columns 19-21).

Accordingly, the claims are anticipated.

Claims 1-6, 14, 29-33, 41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Deininger et al. ('573), U.S. Patent 4,405,573.

The '573 patent discloses the claimed method for the preparation of solid Fe(VI) in two half-cells which are in electrochemical contact with one another through an electrically neutral ionic conductor, wherein one of the half-cells comprises a cathode, while the other half-cell comprises at least 1% of iron containing material, such as the claimed Fe (III) salt and wherein a power supply is used to oxidize the iron containing material to a solid Fe(VI) salt (see examples 1-5 in columns 9-14). The reference further discloses the same types of electrolytes as claimed (see examples 1-5 in columns 9-14). The reference further discloses the use of Fe (II) salt (see col 9, lines 5-11).

Consequently, the claims are anticipated.

Claims 1, 2, 4-6, 14, 29-33, 41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Deininger et al. ('584), U.S. Patent 5,217,584.

The '584 patent discloses the claimed method for the preparation of solid Fe(VI) in two half-cells which are in electrochemical contact with one another through an electrically neutral ionic conductor, wherein one of the half-cells comprises a cathode, while the other half-cell comprises at least 1% of iron

containing material, such as the claimed Fe (III) salt and wherein a power supply is used to oxidize the iron containing material to a solid Fe(VI) salt (see examples 1-2 in columns 11-15). The reference further discloses the same types of electrolytes as claimed (see examples 3-4 in columns 16-19).

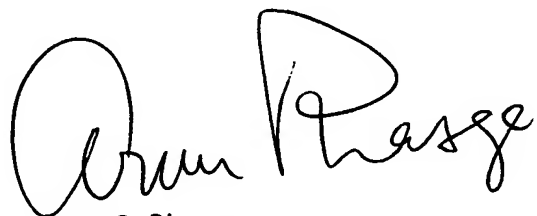
Therefore, the claims are anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Arun Phasge'. The signature is fluid and cursive, with the first name 'Arun' and last name 'Phasge' clearly distinguishable.

Arun S. Phasge
Primary Examiner
Art Unit 1753

asp